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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
. 10/076,349	02/19/2002	Kenji Maruyama	107317-00043	1365
4372 759	372 7590 11/05/2003		EXAMINER	
ARENT FOX KINTNER PLOTKIN & KAHN 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			WOJCIECHOWICZ, EDWARD JOSEPH	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application N. Application N. Application N. Application N. Application N. Application N. MARUYAMA ET AL.			MC				
Examiner Edward J Wycjelechowicz 2815 - The MAILING DATE of this communication appears on the cover she t with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. Educations of lone may be available under the previouse of 3° CFR 1.15(6). In no event, however, may a reply be timely filled ### The Period for reply is pecified above, the maximum stability period will epily and will egyers SIX (5) MONTHS from the mailing date of this communication (10 sept. a period will epily and will egyers SIX (5) MONTHS from the mailing date of this communication (10 sept. a period will epily and will egyers SIX (5) MONTHS from the mailing date of this communication (10 sept. a period will epily and will egyers SIX (5) MONTHS from the mailing date of this communication and ANCHORDES (20 4° C \$ 130). ### Responsive to communication(s) filled on @B August 2003. ### Responsive to communication(s) filled on @B August 2003. ### Responsive to communication(s) filled on @B August 2003. ### Responsive to communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ### Disposition of Claims ### Disposition of Claims ### Claim(s) is/are allowed. ### Claim(s) is/are objected to. ### Claim(s) is/are objected to by the Examiner. ### Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). ### The proposed drawing correction filled on is: is is is/are objected to by the Examiner. ### The proposed drawing correction filled on is:		Application N .	Applicant(s)				
Edward J Wojciechovicz 2815	N. Office Asticus Communication	10/076,349	MARUYAMA ET AL.				
- The MALIMO DATE of this communication appears on the cover she t with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estanciors of the may be available under the precision of 3 CPR 1.13(e). In no event, however, may a reply be timely filed Estanciors of the may be available under the precision of 3 CPR 1.13(e). In no event, however, may a reply be timely filed Estanciors of the major specified above is less than thing (30) days, a reply which he stabulary prind with (50) days will as considered limely. If No period for reply specified above is less than thing (30) days, a reply which he stabulary prind will be the prind (50) days will as considered limely. If No period for reply specified above is less than thing (30) days, a reply which he stabulary prind will be part of the prind (50) days will a considered limely. If No period for reply specified above is less than thing (30) days, a reply which he stabulary prind will be part of the prind (50) days will a considered limely. If No period for reply specified above is less than thing (30) days are possible of this communication will be communication. A prind the stable of the communication (5) filed on QB August 2003. 2a) This action is FINAL. 2b	Oπice Action Summary		Art Unit				
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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klee et al, and further in view of Noguchi et al and Kazuhiro, all of record, for the reasons given in the previous action, hereby incorporated by reference. Applicants' remarks have been carefully considered, however, they are not deemed persuasive.

As stated in the previous rejection, Klee teaches the basic inventive structure with a perovskite ferroelectric structure formed on a MgO support layer, and having ReO₃ electrodes, as claimed. The reference to Noguchi adds another claimed feature of the invention with the teaching that orienting the layers of a device such as Klee, so that these laminated layers are all oriented in the same direction, for example, a (001) orientation, will result in superior performance.

Kazuhiro also shows a related device, and provides the motivation to include additional features such as conductive plugs electrically connected to an underlying element through an insulating layer, etc.

Taken together, these references teach all of the claimed structural features of the invention.

Furthermore, applicants' argument with regard to the formation of the device layers in the absence of a 900 degree Celsius environment, relates to a method limitation that does not appear relevant to the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J Wojciechowicz whose telephone number is 703-308-4898. The examiner can normally be reached on Monday through Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (703) 308-2772. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9317.

Edward J Wojciechowicz Primary Examiner Art Unit 2815

EW:ew

EDWARD WOJCIECHOWICZ PRIMARY EXAMINER

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